

CLEARY GOTTlieb STEEN & HAMILTON LLP
Zachary Tschida (State Bar No. 344994)
1841 Page Mill Road
Palo Alto, California 94304
Telephone: 650-815-4113
Facsimile: 650-815-4199
ztschida@cgsh.com

Elsbeth Bennett (admitted *pro hac vice*)
Carl Lawrence Malm (admitted *pro hac vice*)
2112 Pennsylvania Ave. NW
Washington, DC 20037
Telephone: 202-974-1500
Facsimile: 202-974-1999
ebennett@cgsh.com
lmalm@cgsh.com

*Counsel for Non-Party Sony Interactive
Entertainment LLC*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

MICROSOFT CORP., et al.,

Defendants.

Case No. 3:23-cv-02880-JSC

**NON-PARTY SONY
INTERACTIVE
ENTERTAINMENT LLC'S
NOTICE OF MOTION AND
ADMINISTRATIVE MOTION
FOR SEALING AND *IN*
CAMERA TREATMENT**

The Honorable Jacqueline Scott
Corley

TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT non-party Sony Interactive Entertainment LLC (“SIE”) will, and hereby does, move this Court to seal from public disclosure and permit *in camera* treatment of certain exhibits that appear on Plaintiff Federal Trade Commission’s (“FTC’s”) and Defendants’ (collectively, the “Parties”) exhibit lists.

REQUESTED RELIEF

SIE requests that the Court seal from public disclosure and permit *in camera* treatment of the exhibits identified in the table below.

I. INTRODUCTION

Non-Party Sony Interactive Entertainment LLC (“SIE”) requests that this Court seal from public disclosure and permit *in camera* treatment of limited, highly sensitive business material. This sensitive material appears in documents on the Parties’ exhibit lists and may be introduced into evidence in this proceeding.

SIE produced voluminous material in discovery in the underlying Federal Trade Commission proceeding in reliance on a strict protective order that prevented public disclosure. This material includes some of SIE’s most sensitive business planning, pricing, strategy, and otherwise sensitive documents. Good cause exists for sealing and *in camera* treatment to protect SIE’s legitimate confidentiality interests. In recognition of the public nature of these proceedings, Non-Party SIE has made a good faith effort to limit its request to only the most sensitive material.

II. BACKGROUND

Non-Party SIE produced substantial discovery in response to a civil investigative demand and broad subpoenas in the underlying proceeding, *In the Matter of Microsoft / Activision Blizzard*, FTC Docket No. 9412, (the “FTC Action”), which was governed by a strict protective order prohibiting disclosure to the public. *See* ECF 112-2. The material SIE produced was imported from the FTC Action into these proceedings without notice to SIE, apparently by agreement of Microsoft Corp. (“Microsoft”), Activision Blizzard, Inc. (“Activision”) and the FTC (collectively, the “Parties”).

On June 19, 2023, the Parties provided preliminary notices to SIE identifying the documents produced by SIE in the underlying FTC Action that the Parties may introduce into evidence during the evidentiary hearing in this matter. On June 20, 2023, the FTC updated its notice to identify additional documents and the Parties filed their lists with the Court. In total, the Parties’ preliminary lists contain 65 SIE

documents. It is not clear whether the Parties will eventually introduce all of these documents into evidence at the hearing, but SIE has evaluated all of them for confidentiality in the time available.

As described below, many of the exhibits on the Parties' lists contain competitively sensitive non-public information that would injure SIE if made publicly available. The table below describes the SIE highly confidential material found in the exhibits and the specific bases supporting sealing of the information.¹ See Civ. L.R. 79-5(c). The proposed treatment noted in the table reflects SIE's good faith effort under expedited circumstances to seek the sealing only of information that is confidential, commercially or competitively-sensitive, and cannot be protected from public disclosure through less restrictive means.

Document	Information Requested for <i>In Camera</i> Treatment	Description of Confidential Information Requiring <i>In Camera</i> Treatment
Plaintiff's Exhibit List		
PX0031	Redacted Version Provided to Parties	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE data, analysis, and survey results relating to SIE product strategy and platform users' behavior on SIE's platform, including user engagement, gameplay, spend, likelihood of switching, or potential competitive impacts of Microsoft's proposed acquisition of Activision.

¹ In addition to the exhibits listed in the table, the Parties have identified as potential exhibits the transcripts of the depositions of Jim Ryan, Christian Svensson, and Greg McCurdy. However, the Parties have not yet provided SIE with complete designations of the portions of these transcripts (if any) they intend to use. SIE will file a supplemental motion to seal portions of these transcripts if and when both Parties provide SIE with their complete designations.

PX3047	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's business strategies, competitive business plans, future investment plans, console and product development plans, product roadmaps, or innovation plans, as well as SIE business analysis of competitor behavior and products.
PX3050	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's business strategies, competitive business plans, future investment plans, console and product development plans, product roadmaps, or innovation plans, as well as SIE business analysis of competitor behavior and products.
PX3053	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's business strategies, competitive business plans, future investment plans, console and product development plans, product roadmaps, or innovation plans, as well as SIE business analysis of competitor behavior and products.
PX3065	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's business strategies, competitive business plans, future investment plans, console and product development plans, product roadmaps, or innovation plans, as well as SIE business analysis of competitor behavior and products.
PX3067	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's business strategies, competitive business plans, future investment plans, console and product development plans, product roadmaps, or innovation plans, as well as SIE business analysis of competitor behavior and products.

PX3077	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's business strategies, competitive business plans, future investment plans, console and product development plans, product roadmaps, or innovation plans.
PX3080	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's business strategies, competitive business plans, future investment plans, console and product development plans, product roadmaps, or innovation plans, as well as SIE business analysis of competitor behavior and products.
PX3081	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's business strategies, competitive business plans, future investment plans, console and product development plans, product roadmaps, or innovation plans, as well as SIE business analysis of competitor behavior and products.
PX3085	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's business strategies, competitive business plans, future investment plans, console and product development plans, product roadmaps, or innovation plans.
PX3090	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's business strategies, competitive business plans, future investment plans, console and product development plans, product roadmaps, or innovation plans.
PX3110	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.

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PX3241	Redacted Version Provided to Parties	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's business strategies, competitive business plans, future investment plans, console and product development plans, product roadmaps, or innovation plans, as well as SIE business analysis of competitor behavior and products.
PX3272	Redacted Version Provided to Parties	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's business strategies, competitive business plans, future investment plans, console and product development plans, product roadmaps, or innovation plans.
PX3275	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.
PX3354	Redacted Version Provided to Parties	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's business strategies, competitive business plans, future investment plans, console and product development plans, product roadmaps, or innovation plans, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners, as well as SIE business analysis of competitor behavior and products.
PX7053 ²	Redactions: Dep. Tr. 205:1-5	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract

² While SIE may need to further supplement its designations for deposition transcripts after receiving complete designations from the parties, *see supra* n.1, Defendants' counsel have requested confidentiality designations on specified excerpts in advance of opening statements on June 22, 2023. SIE has provided those designations to Defendants' counsel and includes the confidential portions here that should receive *in camera* treatment.

		negotiations with third-party partners and discussions of particular contract terms with particular partners.
PX7054	Redactions: Dep. Tr. 8:17-24; 28:19-22	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.

Defendants' Exhibit List

RX0015	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's business strategies, competitive business plans, future investment plans, console and product development plans, product roadmaps, or innovation plans.
RX0020	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.
RX0075	Redacted Version Provided to Parties	This exhibit contains non-public and highly sensitive information including, but not limited to, the nature and scope of SIE's technical collaboration with particular publishers.
RX0079	Redacted Version Provided to Parties	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE business analysis of competitor behavior and products.
RX0097	Redacted Version Provided to Parties	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.
RX0114	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners, as well as SIE business analysis of competitor behavior and products.
RX0120	Confidential Treatment	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract

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	Requested of Full Exhibit	negotiations with third-party partners and discussions of particular contract terms with particular partners.
RX0130	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.
RX0161	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.
RX0169	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.
RX0170	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's business strategies, competitive business plans, future investment plans, console and product development plans, product roadmaps, or innovation plans.
RX2009	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.
RX2010	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's business strategies, competitive business plans, future investment plans, console and product development plans, product roadmaps, or innovation plans,

		as well as SIE business analysis of competitor behavior and products.
RX2018	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.
RX2019	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.
RX2020	Redacted Version Provided to Parties	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners, as well as SIE business analysis of competitor behavior and products.
RX2022	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.
RX2023	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.
RX2024	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and

		discussions of particular contract terms with particular partners.
RX2025	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.
RX2026	Redacted Version Provided to Parties	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's business strategies, competitive business plans, future investment plans, console and product development plans, product roadmaps, or innovation plans, the nature and scope of SIE's technical collaboration with particular publishers, as well as SIE business analysis of competitor behavior and products.
RX2028	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.
RX2030	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners, as well as SIE business analysis of competitor behavior and products.
RX2034	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.
RX2036	Confidential Treatment	This exhibit contains non-public and highly sensitive information including, but not

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	Requested of Full Exhibit	limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.
RX2046	Redacted Version Provided to Parties	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.
RX2053	Redacted Version Provided to Parties	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.
RX2060	Redacted Version Provided to Parties	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE business analysis of competitor behavior and products.
RX2067	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's business strategies, competitive business plans, future investment plans, console and product development plans, product roadmaps, or innovation plans.
RX2069	Redacted Version Provided to Parties	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's business strategies, competitive business plans, future investment plans, console and product development plans, product roadmaps, or innovation plans, as well as SIE business analysis of competitor behavior and products.
RX2078	Redacted Version Provided to Parties	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and

		discussions of particular contract terms with particular partners.
RX2083	Redacted Version Provided to Parties	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE data, analysis, and survey results relating to SIE product strategy and platform users' behavior on SIE's platform, including user engagement, gameplay, spend, likelihood of switching, or potential competitive impacts of Microsoft's proposed acquisition of Activision.
RX2087	Redacted Version Provided to Parties	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.
RX2098	Redacted Version Provided to Parties	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners, as well as SIE business analysis of competitor behavior and products.
RX2118	Redacted Version Provided to Parties	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE business analysis of competitor behavior and products.
RX2134	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners.
RX2161	Confidential Treatment Requested of Full Exhibit	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's approach to contract negotiations with third-party partners and

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		discussions of particular contract terms with particular partners.
RX2163	Redacted Version Provided to Parties	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE's business strategies, competitive business plans, future investment plans, console and product development plans, product roadmaps, or innovation plans, as well as SIE business analysis of competitor behavior and products.
RX5000	Redacted Version Provided to Parties	This exhibit contains non-public and highly sensitive information including, but not limited to, SIE data, analysis, and survey results relating to SIE product strategy and platform users' behavior on SIE's platform, including user engagement, gameplay, spend, likelihood of switching, or potential competitive impacts of Microsoft's proposed acquisition of Activision, SIE's approach to contract negotiations with third-party partners and discussions of particular contract terms with particular partners, the nature and scope of SIE's technical collaboration with particular publishers, as well as SIE business analysis of competitor behavior and products.

SIE makes this request pursuant to Civil Local Rules 7-11 and 79-5 and the Court's June 14th Order (ECF No. 76).³

³ On June 20, 2023, SIE requested that the Court permit it to file its statement in support of sealing confidential information on the Parties' exhibit lists by June 23, 2023 (ECF No. 122). SIE has expedited its review so that the Parties and the Court can have as much information from SIE as possible before the evidentiary hearing begins. SIE may need to supplement this filing to address deposition transcripts, *see supra* n.1, but otherwise withdraws its pending request for additional time.

1 **II. THERE ARE COMPELLING REASONS TO SEAL SIE'S**
 2 **CONFIDENTIAL BUSINESS INFORMATION AND PROVIDE FOR**
 3 **IN CAMERA TREATMENT**

4 Although the public enjoys a general right to inspect and copy public records,
 5 including judicial records, “access to judicial records is not absolute.” *Kamakana v.*
 6 *City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). The presumption in
 7 favor of access to judicial records may be overcome by “compelling reasons” that
 8 justify sealing them, such as the need to prevent court filings from serving as “sources
 9 of business information that might harm a litigant’s competitive standing.” *Ctr. for*
 10 *Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016) (quoting
 11 *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598-99 (1978)). Courts have broad
 12 discretion to prevent disclosure of “many types of information, including, but not
 13 limited to, trade secrets or other confidential research, development, or commercial
 14 information.” *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206,
 15 1211 (9th Cir. 2002). Specifically, if revealing “confidential business material,
 16 marketing strategies, [and] product development plans could result in improper use
 17 by business competitors seeking to replicate [the company’s] business practices and
 18 circumvent the time and resources necessary in developing their own practices and
 19 strategies,” a court may seal the materials in question. *Roley v. Google LLC*, No. 18-
 20 cv-07537-BLF, 2020 WL 13517498, at *1 (N.D. Cal. Apr. 28, 2020) (quoting
 21 *Algarin v. Maybelline, LLC*, No. 12CV3000 AJB DHB, 2014 WL 690410, at *3 (S.D.
 22 Cal. Feb. 21, 2014)).

23 Non-parties receive special deference when these issues are considered. *See,*
 24 *e.g., United States v. Bazaarvoice, Inc.*, No. 13-cv-00133-WHO, 2014 WL
 25 11297188, at *1 (N.D. Cal. Jan. 21, 2014) (granting motion to seal third-party trial
 26 exhibits, noting that disclosure would “chill investigations in the future where third
 27 party documents are essential”).

1 *In camera* review of sealed documents is an appropriate means for the Court
 2 to protect these important interests. *See United States v. Bazaarvoice, Inc.*, No. 13-
 3 cv-00133-WHO, 2014 WL 203966 (N.D. Cal. Jan. 8, 2014) (citing throughout to
 4 exhibits reviewed *in camera* in merger trial).

5 Here, Non-Party SIE seeks sealing and *in camera* treatment for limited non-
 6 public information containing SIE's highly confidential analyses and business
 7 strategy information related to its consoles, subscription services, and cloud gaming
 8 businesses. *See* Ex. 1 (Decl. of C. Svensson). In particular, the information that SIE
 9 seeks to protect includes:

- 10 • Non-public SIE data, analysis, and survey results relating to SIE product
 11 strategy and platform users' behavior on SIE's platform, including user
 12 engagement, gameplay, spend, likelihood of switching, or potential
 13 competitive impacts of Microsoft's proposed acquisition of Activision;
- 14 • Non-public information about SIE's approach to contract negotiations with
 15 third party partners and discussions of particular contract terms with
 16 particular partners;
- 17 • Non-public information on the nature and scope of SIE's technical
 18 collaboration with particular publishers;
- 19 • Non-public information about SIE's business strategies, competitive business
 20 plans, future investment plans, console and product development plans,
 21 product roadmaps, innovation plans; and
- 22 • Non-public SIE business analysis regarding competitors' and commercial
 23 partners' behavior and products. *See id.* ¶ 3.

24 SIE uses this information to operate its business and shape its future strategy.
 25 As explained in the accompanying declaration, if these business secrets were made
 26 available to the public, SIE's competitors could use these secrets to inform their own

1 strategies to gain an unfair advantage in competing with SIE. *See id.* ¶¶ 4-8. Business
 2 partners could likewise gain an unfair advantage in their relationships with SIE by
 3 understanding SIE’s strategic objectives, negotiation tactics, and relationships with
 4 other business partners. *See id.* These concerns are particularly severe here, as the
 5 information is current, which makes it more valuable to others because it is
 6 actionable. *See id.* ¶ 8.

7 In short, the information should be sealed because disclosure would undermine
 8 SIE’s business, give competitors and business partners an unfair advantage, and
 9 disrupt the future launches of its commercial products. *See Ex. 1.; see also*
 10 *Synchronoss Techs., Inc. v. Dropbox Inc.*, No. 16-cv-00119-HSG, 2018 WL
 11 6002319, at *1 (N.D. Cal. Nov. 15, 2018) (noting that courts have sealed confidential
 12 business information when it “prevent[ed] competitors from gaining insight into the
 13 parties’ business model and strategy”) (citation omitted); *Bauer Bros. LLC v. Nike,*
 14 *Inc.*, No. 09cv500-WQH-BGS, 2012 WL 1899838, at *2 (S.D. Cal. May 24, 2012)
 15 (concluding that “public disclosure of Nike’s confidential business
 16 materials . . . could result in improper use by business competitors seeking to
 17 replicate Nike’s business practices and circumvent the considerable time and
 18 resources necessary in product and marketing development”).

19 **III. THE COMPELLING REASONS TO SEAL OUTWEIGH ANY** 20 **PUBLIC INTEREST IN PUBLIC DISCLOSURE**

21 SIE’s request for sealing and *in camera* treatment is the result of its good faith
 22 effort to seek the sealing only of information that is confidential, commercially or
 23 competitively-sensitive, and cannot be protected from public disclosure through less
 24 restrictive means. SIE has proposed redactions over sealing where possible, and has
 25 endeavored to propose the narrowest possible redactions in the time permitted. Any
 26 public interest in disclosing this information is outweighed by the prejudice that will

1 result to SIE, a non-party, if no protection is granted. *See Bazaarvoice, Inc.*, 2014
2 WL 11297188, at *1 (noting importance of protecting third parties).

3 **IV. CONCLUSION**

4 For the foregoing reasons, SIE respectfully requests that the Court grant
5 SIE's motion and seal and review *in camera* the SIE confidential information
6 contained in the exhibits identified above, in the event that the Parties introduce
7 these exhibits at the upcoming hearing.

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9
10 Dated: June 21, 2023

11 Respectfully submitted,

12 CLEARY GOTTlieb STEEN &
HAMILTON LLP

13 /s/ Elsbeth Bennett
14 Elsbeth Bennett (*pro hac vice*)
15 Carl Lawrence Malm (*pro hac vice*)
2112 Pennsylvania Ave. NW
16 Washington, DC 20037
Telephone: 202-974-1500
Facsimile: 202-974-1999
17 ebennett@cgsh.com
lmalm@cgsh.com

18 Zachary Tschida (State Bar No.
344994)
19 1841 Page Mill Road
20 Palo Alto, California 94304
Telephone: 650-815-4113
21 Facsimile: 650-815-4199
ztschida@cgsh.com

22
23 *Counsel for Non-Party Sony Interactive*
24 *Entertainment LLC*